



Emily Berry <emilyberry@utah.gov>

incoming

Fwd: SITLA Final Agency Action Re: MCW Trespass

1 message

April Abate <aprilabate@utah.gov>
To: Emily Berry <emilyberry@utah.gov>
Cc: Paul Baker <paulbaker@utah.gov>

Wed, Nov 18, 2015 at 12:51 PM

Emily,

Please add this to the incoming file associated with permit: M/47/0089

----- Forwarded message -----

From: **Paul Baker** <paulbaker@utah.gov>
Date: Wed, Nov 18, 2015 at 11:48 AM
Subject: Fwd: SITLA Final Agency Action Re: MCW Trespass
To: April Abate <aprilabate@utah.gov>

----- Forwarded message -----

From: **John Baza** <johnbaza@utah.gov>
Date: Wed, Nov 18, 2015 at 10:21 AM
Subject: Fwd: SITLA Final Agency Action Re: MCW Trespass
To: Dana Dean <danadean@utah.gov>, PAULBAKER@utah.gov
Cc: Steve Schneider <steveschneider@utah.gov>

Begin forwarded message:

From: Kim Christy <kimchristy@utah.gov>
Date: November 18, 2015 at 9:21:37 AM MST
To: mmckee <mmckee@uintah.utah.gov>, bstringer@uintah.utah.gov, mraymond@uintah.utah.gov, Cody Stewart <CodyStewart@utah.gov>, Laura Nelson <lnelson@utah.gov>, John Baza <johnbaza@utah.gov>
Subject: SITLA Final Agency Action Re: MCW Trespass

Good morning:

You may be aware that in 2012 MCW Oil Sands Recovery LLC and/or MCW Energy Group Limited ("MCW") constructed an oil sands processing facility on trust lands located approximately four miles west of Vernal. MCW is the holder of a mineral lease allowing for the extraction of bituminous sands/asphaltic sands (the "Mineral Lease") on the lands underlying the facility. However, the Mineral Lease does not authorize the construction and operation of any surface facilities on the leased premises that are not related to the economic operation of the leasehold. Since no mining operations have been authorized, permitted or conducted on the leasehold, the processing facility was constructed, and has continued to operate in trespass.

SITLA was unaware that the facility had been constructed and operated on trust lands until March of 2015, whereupon SITLA staff immediately informed MCW that the facility had been constructed in trespass and began to seek a resolution. Since that time SITLA has made multiple attempts to work with MCW to resolve the trespass, however MCW has not followed through with obtaining a surface authorization for the facility.

In light of the continued lack of authorization for the facility, and the fact that MCW has been using the property for three years now without any compensation to the trust, SITLA has carefully evaluated its options to resolve this matter. After much consideration, the director has issued the attached final agency action. It is our desire to amicably resolve this issue directly with MCW as outlined in the action.

We wanted you to be aware of this action, and if you have any questions please feel free to give me a call.

Kim S. Christy
Deputy Director
Utah Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, UT 84102

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email: kimchristy@utah.gov

—
Paul Baker
Minerals Program Manager
Utah Division of Oil, Gas and Mining
[801-538-5261](tel:801-538-5261)
M-W, F

—
April A. Abate
Environmental Scientist III
Utah Division of Oil, Gas, & Mining
O: [801-538-5214](tel:801-538-5214)
M: [801-232-1339](tel:801-232-1339)
Hours M-Th 7-5

2 attachments

 **noname.html**
1K

MCW Final Agency Action 10172015.pdf